

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America

v.

RODOLFO JAVIER MERCADO, JR.

Case No.

1:23-mj-30132

Judge: Morris, Patricia T.

Filed: 03-31-2023

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 27, 2022 and December 6, 2022 in the county of Saginaw in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

1. Distribution of a Controlled Substance

1. 21 U.S.C. §841(a)(1)

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: March 31, 2023

City and state: Bay City, Michigan

*Complainant's signature*Kyle McGraw, Special Agent FBI*Printed name and title**Judge's signature*Hon. Patricia T. Morris, U.S. Magistrate Judge*Printed name and title*

**AFFIDAVIT**

I, Kyle McGraw, being first duly sworn on oath, states that:

1. I am a Special Agent employed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Justice Department, and have been so employed since November 7, 2016. I successfully completed the Criminal Investigations Training Program (CITP) at the Federal Law Enforcement Training Center (FLETC), Brunswick, Georgia. I also completed the Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent Basic Training (SABT) National Training Academy conducted in Brunswick, Georgia. During these courses of study, I received training in the investigation of federal firearm and narcotics violations. Previously, I was a certified law enforcement officer in Michigan with the City of Saginaw Police Department and the Saginaw Township Police Department for a total of five years. During which time, I spent two years on the Bay Area Narcotics Enforcement Team (BAYANET) enforcing state narcotics and firearms violations. I personally investigated and assisted in numerous of cases, which led to search warrants, arrests, prosecutions, and the seizure of large quantities of narcotics and firearms. During my employment with ATF, I have conducted or participated in investigations related to the possession and manufacture of firearms and narcotics in violation of Titles 18, 21, and 26 of the United States Code.

2. I make this affidavit from personal knowledge based on my participation in this investigation, assistance from the Michigan State Police Bay Area Narcotics Enforcement Team, and others who have personal knowledge of the events and circumstances described herein, and information gained through my review of relevant documents related to this investigation. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I am currently investigating Rodolfo Javier MERCADO Jr., date of birth XX/XX/1983, for violations of 21 U.S.C. § 841(a)(1), possession with intent to distribute a controlled substance.

4. In August 2022, the Michigan State Police and ATF agents began an investigation into Rodolfo MERCADO, for illegal narcotics sales in the City of Saginaw. Detectives received information Rodolfo “Rudy” Mercado was distributing large quantities of cocaine in the City of Saginaw and Saginaw Township where he was residing. The source stated he/she has seen MERCADO with kilogram quantities of narcotics, large sums of US Currency from his proceeds of distributing the narcotics, and firearms despite being a previously

convicted felon. Law enforcement made contact with a confidential source, hereafter referred to as Source of Information (SOI)<sup>1</sup> who stated he/she knew of the illegal activities and could purchase narcotics from MERCADO. The SOI stated MERCADO resides in Saginaw Township and identified 2649 Hemmeter Road Saginaw, MI as MERCADO's primary residence. I have known SOI's identity since the fall of 2022 and during that time, SOI has provided me and other officers with information that has been independently corroborated by myself and other officers. To the best of my knowledge, SOI has never provided me, or other officers, with false information. Therefore, I believe the information from SOI to be reliable and credible.

5. Based upon the aforementioned information, SOI and detectives arranged to conduct a controlled purchase of narcotics, specifically cocaine, from MERCADO. On October 27, 2022, prior to the purchase, SOI met with detectives and was searched for weapons, narcotics, or currency on their persons or in their vehicle, none of which was located. They placed a phone call to MERCADO at (989)482-6270 to facilitate the purchase. MERCADO stated he needed some time and would call the SOI back when he was ready.

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<sup>1</sup> SOI has no criminal history and is utilizing their cooperation for consideration in a pending charges.

6. Detectives were surveilling MERCADO during the phone call and observed MERCADO departing his residence at 2649 Hemmeter Rd. Saginaw, MI. He made one short stop before being observed driving to 2501 Troy Street in the City of Saginaw. He entered through the front door where he remained for a period of time before leaving. The SOI received a phone call as MERCADO left 2501 Troy Street and instructed the SOI to meet at 1706 Marquette Street Saginaw, MI to conduct the narcotics transaction.

7. SOI was provided with prerecorded buy funds and a covert recording device by detectives and surveilled directly to 1706 Marquette Street Saginaw, MI. The SOI parked at the residence where he/she remained for a period of time and was observed meeting with MERCADO outside the home. The SOI was surveilled directly back to the prearranged meeting location to meet with D/Sgt. Williams and D/Sgt. Trafelet.

8. The SOI turned over a quantity of Cocaine HCL to D/Sgt. Williams which had been purchased with the prerecorded buy funds and was again searched for weapons and currency, none of which was located. A second quantity of cocaine HCL was in the SOI's vehicle, to which the SOI stated MERCADO had given the SOI "on front", or without payment. The SOI was debriefed and stated

he/she arrived at 1706 Marquette Street and met with MERCADO in the driveway of the residence. It was there that the SOI provided MERCADO the prerecorded buy funds in exchange for a quantity of Cocaine HCL and MERCADO provided the SOI an additional quantity without prompting on front. The Cocaine HCL was field tested and tested positive for the same.

9. On December 6, 2022, the SOI met with law enforcement again to conduct an additional controlled purchase from MERCADO. The SOI met with detectives and was searched for weapons, narcotics, or currency on their persons or in their vehicle, none of which was located. The SOI contacted MERCADO at (989) 482-6270 to arrange the controlled purchase. MERCADO told the SOI that he would call him back and give him a minute.

10. Meanwhile surveillance had been established at 2649 Hemmeter Rd. and MERCADO was observed departing just following the phone call with the SOI. MERCADO was observed going to another location for a short period and then directly to 2501 Troy Street where he went inside. As he was departing, the SOI received a phone call from MERCADO informing the SOI to meet MERCADO at his Hemmeter Road address shortly. MERCADO was surveilled from 2501 Troy Street directly back to 2649 Hemmeter Rd.

11. The SOI was provided with a covert recording device and the prerecorded buy funds to facilitate the purchase. The SOI was surveilled directly to the 2649 Hemmeter Rd where he/she entered and remained inside for a short period of time before departing and being surveilled directly back to the meeting location with detectives.

12. The SOI turned over a quantity of Cocaine HCL to me and was again searched for weapons, narcotics, or currency, none of which were located. The SOI was debriefed and stated he/she was allowed in the residence and gave MERCADO the prerecorded buy funds in exchange for a quantity of cocaine. The CS also observed a larger quantity of Cocaine HCL in MERCADO's possession at the time. The suspected Cocaine HCL was field tested and tested positive for the same.


13. A review of MERCADO's criminal history reveals the following felony convictions:

- (a) 05/17/2010 – Felony Controlled Substance Del/Mfg 50-449 Grams – Pled Guilty
- (b) 05/17/2010 – Weapons Felony Firearm – Pled Guilty

14. MERCADO was sentenced to 2 years – 40 years for the Felony Del/Mfg. Charge and a two-year sentence on the Felony Firearm Charge.

15. Based on the foregoing, I have probable cause to believe that on October 27, 2022, and December 6, 2022, in the Eastern District of Michigan, Rodolfo Javier MERCADO Jr., distributed Cocaine HCL in violation of 21 U.S.C. § 841(a)(1) –Distribution of a Controlled Substance.

Dated this 31st day of March 2023.

A handwritten signature in black ink, reading "Kyle McGraw", written over a horizontal line.

Kyle McGraw  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms & Explosives

Subscribed and sworn to before me this 31st day of March 2023.

A handwritten signature in blue ink, reading "Patricia T. Morris", written over a horizontal line.

Hon. Patricia T. Morris  
United States Magistrate Judge